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असाधारण

EXTRAORDINARY

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PART II — Section 2

प्राधिकार से प्रकाशित

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Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bill was introduced in Lok Sabha on 9th May, 2003:—

BILL NO. 37 OF 2003

A Bill to provide for the regulation of the salaries and allowances of the judicial officers in the Union territories and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Salaries and Allowances of the Judicial Officers of the Union Territories Act, 2003.

Short title,
extent and
commencement.

(2) It extends to all the Union territories.

(3) It shall be deemed to have come into force on the 1st day of July, 1996.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "judicial officers" means the Members of the Judicial Service in the Union territories and includes such officers who are appointed on deputation as judicial officers in the Union territories;

(b) "Schedule" means the Schedule appended to this Act;

(c) "Union territories" means the Union territories specified in the First Schedule to the Constitution.

3. (1) Notwithstanding anything contained in any rules regulating the scale of pay of judicial officers in the Union territories made under article 309 of the Constitution, there shall be paid, immediately after coming into force of this Act, to the judicial officers in the Union territories specified in column (2) of the Schedule, the salary at the scale of pay specified in column (3) thereof.

Salaries of
judicial
officers in
Union
territories.

(2) The judicial officers in the Union territories shall be paid a special judicial allowance at the rate of ten per cent of their basic pay:

Provided that the special judicial allowance together with basic pay in the scale of pay of Rs. 22,400-525-24,500 shall, in no case, exceed Rs. 24,850 *per mensem*.

Explanation—For the purposes of this section, "Special judicial allowance" means an allowance payable to the judicial officers as compensation for their duties which involve essential work comprising of reading, referencing, dictating judgements and preparing for cases beyond normal working hours of courts.

4. Subject to the provisions of section 3, the rules and orders applicable to judicial officers, immediately before the commencement of the Act, shall continue to regulate the conditions of service of the judicial officers (other than special judicial allowance) unless otherwise provided by rules made under this Act but such rules shall not pertain to matters relating to their recruitment, transfer and posting.

Rules and orders applicable to judicial officers in respect of allowances, leave, etc., to continue to apply.

Power to make rules.

5. (1) Subject to the provisions of section 3, the Central Government may, by notification in the Official Gazette, make rules and orders regulating the conditions of service and allowances (other than special judicial allowance), leave and pension of the judicial officers in the Union territories.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session, immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

THE SCHEDULE

[See sections 2(b) and 3(1)]

Sl. No.	Designation	Scale of pay
(1)	(2)	(3)
1	Civil Judge (Junior Division)	Rs. 8,000-275-13,500.
2	Civil Judge (Senior Time Scale)	Rs. 10,650-325-15,850.
3	Senior Civil Judge	Rs. 12,750-375-16,500.
4	District Judge (Entry Level)	Rs. 15,100-400-18,300.
5	District Judge (Selection Grade) (Twenty per cent. of District Judges)	Rs. 18,400-500-22,400.
6	District Judge (Super Time Scale) (One post in Delhi)	Rs. 22,400-525-24,500.

STATEMENT OF OBJECTS AND REASONS

It is expedient, in the public interest, to pass this legislation in respect of members of the District and Subordinate Judiciary in the Union territories in order—

(a) to set the salary of the Judicial Officers at a level which would attract proper talent to opt for a career in judicial service;

(b) to provide pay scales and other conditions of service to the members of Subordinate Judiciary which would satisfy their needs to maintain a dignified way of life commensurate with the onerous duties that they discharge and to boost their morale and commitment to service;

(c) to evolve distinct service conditions to the members of Subordinate Judiciary in the Union territories keeping in view the prevailing relativities, the judgments of various courts including the Supreme Court and the financial position of the Government;

(d) to introduce a Special Judicial Allowance (SJA) as compensation for their duties which involve essential work comprising of reading, referencing, dictating judgments and preparing for cases beyond normal working hours of courts.

2. This Bill seeks to achieve the above object.

ARUN JAITLEY.

FINANCIAL MEMORANDUM

Clause 3 of the Bill seeks to introduce scale of pay of the judicial officers in the Union territories and special judicial allowance at the rate of ten per cent. of their basic pay. The proposal involves recurring expenditure of about Rs. 76.56 lakhs per annum and non-recurring expenditure of Rs. 5.16 crores towards payment of arrears from the 1st July, 1996. The expenditure will be charged from the Consolidated Fund of India.

2. Clause 4 of the Bill seeks to provide that the rules and orders applicable to Judicial Officers immediately before the commencement of this Act shall continue to regulate the conditions of service in respect of their allowances (other than special judicial allowance), leave and pension. However, allowances being paid to the Judicial Officers in the Union territories cannot be quantified since a number of allowances recommended by the First National Judicial Pay Commission (Shetty Commission) and approved by the Hon'ble Supreme Court in its judgment of 21st March, 2002 are pending in that court for its directions.

3. The Bill does not involve any other expenditure of either recurring or non-recurring nature.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill empowers the Central Government to make rules and orders regulating the conditions of service in respect of allowances (other than special judicial allowance), leave and pension of Judicial Officers in the Union territories.

2. The rules made by the Central Government shall be laid, as soon may be after they make, before each House of Parliament.

3. The matters in respect of which rules may be made are generally matters of procedure and administrative detail and it is not practicable to provide for them in the Bill itself. The delegation of legislative power is therefore, of a normal character.

G. C. MALHOTRA,
Secretary-General.